

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS

1. (Canceled)
2. (Currently Amended) A system as in claim 34, further including:
(f) payment processing software for collecting payment for the electronic work from the bidder.
3. (Currently Amended) A system for vending copies of an electronic work, the system including: as in claim 1,
(a) a computer system for receiving a plurality of bids from a plurality of bidders;
(b) a memory unit for storing the bids;
(c) bid sampling logic for selecting (i) a bid from a bidder, and (ii) a sample of one or more-bids from the plurality of bids, wherein the sample does not include the bid from the bidder;
(d) a processor for deriving a threshold from the sample of bids, and for using the threshold to determine whether to vend a copy of the electronic work to the bidder; and
(e) a network interface unit for sending a copy of the electronic work to the bidder;
in which the copies of the electronic work available to be vended by the system comprise a quantity of copies that is greater than the quantity of bids in the plurality of bids.
4. (Currently Amended) A system as in claim 34, in which the sample of bids is selected from the plurality of bids in a random fashion.

5. (Currently Amended) A system as in claim 34, in which the network interface is operable to send a copy of the electronic work to the bidder in a relatively secure manner.
- 6-9. (Canceled)
10. (Currently Amended) A system~~method~~ as in claim 36, wherein the system further including: (f) obtaining~~ing~~ payment from the ~~first~~ bidder in an amount equal to the ~~first~~ threshold.
11. (Currently Amended) A system~~method~~ as in claim 36, in which the ~~first~~-sample comprises a single bid, and in which the threshold comprises the bid value of said single bid.
- 12-17. (Canceled)
18. (Currently amended) A system~~method~~ as in claim 34~~7~~, in which said threshold is chosen to maximize a quantity obtained by multiplying (a) the number of bids in the ~~first~~ sample that exceed the threshold, by (b) the bid value of the highest bid in the ~~first~~-sample that is less than or equal to the threshold.
- 19-20. (Canceled).
21. (New) A system as in claim 3, in which the processor compares the bid with the threshold in order to determine whether to distribute a copy of the electronic work to the bidder.

22. (New) A system as in claim 3, wherein the bid sample logic selects a new bid and a new sample of one or more bids from the plurality of bids each time a new bid is submitted by a new bidder.
23. (New) A system as in claim 22, in which each new sample of bids is different from all samples of bids previously selected.
24. (New) A system as in claim 22, in which the new sample of bids include each of the plurality of bids except for the bids included in the previous samples.
25. (New) A system as in claim 3, further including a payment processing component that processes payment information regarding the electronic work.
26. (New) A system as in claim 25, in which the sample of bids is selected from the plurality of bids in a random fashion.
27. (New) A system as in claim 3, wherein the copies of electronic work are in effectively unlimited supply.
28. (New) A system of claim 25, wherein the payment from the bidder is equal in amount to the threshold derived from the sample of bids.
29. (New) A system of claim 25, wherein the payment processing component is a server.
30. (New) A system as in claim 29, in which the sample of bids is selected from the plurality of bids in a random fashion.

31. (New) A system as in claim 3, wherein a maximum number of copies of the electronic work subject to vending is not specified in advance of receiving the plurality of bids.
32. (New) A system of claim 29, wherein the payment from the bidder is equal in amount to the threshold derived from the sample of bids.
33. (New) A system of claim 25, wherein the payment processing component is a program of instructions.
34. (New) A system of claim 33, wherein the program of instructions includes a control program.
35. (New) A system as in claim 34, wherein the control program is an auction control module.
36. (New) A system as in claim 33, wherein the program of instructions is stored in the memory unit.
37. (New) A system as in claim 33, in which the sample of bids is selected from the plurality of bids in a random fashion.
38. (New) A system of claim 33, wherein the payment from the bidder is equal in amount to the threshold derived from the sample of bids.